



## Idaho Department of Environmental Quality **DRAFT §401 Water Quality Certification**

November 3, 2008

NPDES Permit Number: **ID-002835-5** City of Kuna Wastewater Treatment Plant

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Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC Section 1341 (a)(1), the Idaho Department of Environmental Quality (DEQ) has authority to review National Pollution Discharge Elimination System (NPDES) permits and issue a water quality certification decision.

DEQ has reviewed the preliminary draft NPDES permit and associated fact sheet for the above-referenced facility. Based upon its review and consideration of this information, DEQ certifies that if the permittee complies with the terms and conditions imposed by the above-referenced permit along with the conditions set forth in this water quality certification, then there is reasonable assurance the discharge(s) will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, including the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02) and other appropriate water quality requirements of state law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations or permits.

### **CONDITIONS THAT ARE NECESSARY TO ASSURE COMPLIANCE WITH OTHER APPROPRIATE WATER QUALITY REQUIREMENTS OF STATE LAW**

#### *Compliance with IDAPA 58.01.02.054.04*

IDAPA 58.01.02.054.04 provides that until a TMDL or equivalent process is completed, new or increased discharges of pollutants to an impaired water body may be allowed only if the total load of the pollutant remains constant or decreases within the watershed. Once the TMDL or equivalent process is completed, the discharge must be consistent with the approved document. The *SNAKE RIVER HELLS CANYON (SR-HC) TMDL* (DEQ 2003) established a load allocation for the Boise River based upon a total phosphorus concentration of 0.07 mg/L at the mouth of the Boise River. The Lower Boise Watershed Council and DEQ (2008) developed the *Lower Boise River Implementation Plan Total Phosphorus* (Implementation Plan), which implements the SR-HC TMDL for the Lower Boise watershed and assigns wasteload allocations to point sources and load allocations to non-point sources in order to meet the target for total phosphorus set in the SR-HC TMDL. Since the SR-HC TMDL has been approved and implemented in the Lower Boise watershed through the Implementation Plan, Kuna's new discharge must be consistent with the SR-HC TMDL and the Implementation Plan.

The NPDES permit allows the City of Kuna to discharge a monthly average of two (2.0) pounds per day (lb/day) additional phosphorous to Indian Creek and the Boise River. The Implementation Plan established a reserve for growth load, part of which will be allocated to the City of Kuna Wastewater Treatment Plant. DEQ authorizes 1.1 lb/day (0.5 kilograms/day [kg/day]), as a monthly average, to be allocated from the reserve for growth to the City of Kuna for the May 1 through September 30 period. This represents ten (10) percent of the reserve allocation after 50% reuse for Years 10-15. Given the permit authorizes an average monthly discharge of 2.0 lb/day, the City of Kuna will need to develop and obtain DEQ approval of a plan that depicts how Kuna's discharge will be consistent with the 1.1 lb/day (0.5 kg/day) allocation at least 12 months prior to their discharge reaching a level that exceeds the amount of reserve for growth allocated. Kuna may include in the plan measures to offset the amount of phosphorus that is in excess of the allocation (0.9 lb/day [0.4 kg/day]). No discharge in excess of the 1.1 lb/day (0.5 kg/day) may occur until DEQ has approved of the plan.

At a minimum, the plan shall (1) describe the measures the City will implement to ensure that the discharge from the Kuna facility is consistent with the 1.1 lb/day (0.5 kg/day) allocation, including without limitation, any measures the City will implement to ensure that the addition of phosphorus that is in excess of Kuna's allocation of the reserve for growth (0.9 lb/day [0.4 kg/day]) will be offset from May 1 through September 30, and (2) include a schedule for the implementation of the offset measure(s). Once approved by DEQ, the plan shall be implemented according to the schedule in the approved plan. In addition, the City of Kuna must send the plan along with documentation of DEQ's approval of the plan to EPA.

## **MIXING ZONES**

Pursuant to IDAPA 58.01.02.060, DEQ authorizes a mixing zone that utilizes 25% of the critical low flow volumes of Indian Creek for ammonia, chlorine, and pH.

## **ALTERNATIVE LIMITATIONS**

The following describes how the permit can be made less stringent and still comply with Idaho WQS.

### *Total Phosphorus Limitations*

The draft NPDES permit contains a limit of 0.070 mg/L total phosphorus for the May 1 through September 30 period. As indicated in the Implementation Plan, new facilities can discharge concentrations of 0.20 mg/L total phosphorus and still comply with Idaho WQS, as long as the phosphorus discharged is within the amount of phosphorus reserved for growth. However, DEQ only authorizes 1.1 lb/day (0.5 kg/day) to be allocated from the reserve for growth to the City of Kuna. Thus, the permit could be made less stringent and still comply with Idaho WQS with a less stringent discharge limit of 0.20 mg/L, as long as the City of Kuna includes in the plan required above for compliance with IDAPA 58.01.02.054.04 measures that will ensure the discharge at the less stringent limit is consistent with the 1.1 lb/day (0.5 kg/day) allocation.

**OTHER CONDITIONS**

The certification is conditioned upon the requirement that any material modification of this permit or the permitted activities including without limitation, any modifications of the permit to reflect new or modified TMDL waste load allocations or other new information, shall first be provided to DEQ for review to determine compliance with state Water Quality Standards and to provide additional certification pursuant to section 401.

**RIGHT TO APPEAL FINAL CERTIFICATION**

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5), and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, within 35 days of the date of the final certification.

Questions regarding the actions taken in this certification should be directed to Craig Shepard, DEQ (Boise Regional Office) at (208) 373-0550.

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Pete Wagner  
Regional Administrator  
DEQ Boise Regional Office